

GEORGIA SPECULATION

UNVEILED;

IN TWO NUMBERS.

By ABRAHAM BISHOP.

HARTFORD:

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1797.

GEORGIA

SPECULATION



THIS Pamphlet is an answer, though not a literal answer to the "STATE OF FACTS," published by the Georgia Companies. It contains the outlines of the present state of the Georgia business, and a brief sketch of the arguments on both sides, with such Commentaries as the compass of the work would allow. The general tenor of it, especially that part which treats of the Chancery powers of our Courts, will be found applicable to the cases of all, who have suffered by any kind of Land speculation.

HARTFORD

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[REVEREND BOARD]

STATE OF FACTS,

RELATING TO THE GEORGIA LANDS.

“ **U**NDER the term of GEORGIA WESTERN
 “ TERRITORY is included all that part of the
 “ State of Georgia, which lies west of the head waters
 “ of those rivers, which fall into the Atlantic ocean.
 “ These lands are principally inhabited by three na-
 “ tions of Indians, the Chactaws, the Chickasaws, and
 “ the Creeks,—of which nations the following is a
 “ summary character.
 “ THE Chactaws, or flat-heads, are a powerful, har-
 “ dy, subtle and intrepid race of Indians, who inhabit
 “ a very fine and extensive tract of hilly country, with
 “ large and fertile plains intervening between the Al-
 “ abama and Mississippi rivers. They have about 40
 “ towns and villages, and 4000 fighting men.—They
 “ have large plantations or country farms, where they
 “ employ much of their time in agricultural improve-
 “ ments, after the manner of white people.
 “ THE Chickasaws are a nation of Indians, who in-
 “ habit the country on the east side of the Mississippi,
 “ on the head branches of the Tombeckbe, Mobile
 “ and Yazoo rivers. Their country is an extensive
 “ plain, tolerably well watered from springs, and of a
 “ pretty good soil. They have 7 towns, and their
 “ number of fighting men is estimated at 575.
 “ THE Creeks inhabit the middle part of Georgia.
 “ They eminently deserve the encomium of all nations
 “ for their wisdom and virtue in expelling the use of

“ *spiritous liquors.* The first and most cogent article
 “ in all their treaties with the white people, is, that
 “ there shall not be any kind of spiritous liquors sold
 “ or brought into their towns.—Instances have fre-
 “ quently occurred, on the discovery of attempts to
 “ run kegs of spirits into the country, of the Indians
 “ striking with their tomahawks those who attempted
 “ it, and giving the liquor to the sand, not tasting of
 “ it themselves. It is difficult to account for their ex-
 “ cellent policy in civil government: it cannot derive
 “ its efficacy from coercive laws; for they have no
 “ such artificial system. They have 55 towns, beside
 “ many villages, and their fighting men are about
 “ 5800.—They are a well-made, expert, hardy, saga-
 “ cious, politic people; extremely jealous of their
 “ rights, and *averse to parting with their lands.* They
 “ have abundance of tame cattle and swine, turkies,
 “ ducks and other poultry. They cultivate tobacco,
 “ rice, Indian corn, potatoes, beans, peas, cabbage, me-
 “ lons, and have a plenty of peaches, plumbs, grapes,
 “ strawberries and other fruits. They are faithful
 “ friends, but inveterate enemies; hospitable to stran-
 “ gers, and honest and fair in their dealings. *No na-*
 “ *tion has a more contemptible opinion of the white men’s*
 “ *faith in general, than these people: yet they place great*
 “ *confidence in the United States, and wish to agree with*
 “ *them upon a permanent boundary, over which the sou-*
 “ *thern States shall not trespass.* The country which
 “ they claim, is bounded northward by about the 34th
 “ degree of latitude, and extends from the Tombeckbe
 “ or Mobile river to the Atlantic ocean (though they
 “ have ceded a part of this tract on the sea coast, by
 “ different treaties, to the state of Georgia.)

“ Of this western territory, thus inhabited, the state
 “ of Georgia by act of their legislature, passed January
 “ 7th, 1795, sold about twenty-two millions of acres,
 “ to four different companies—viz,

“ ONE tract to James Gunn, Matthew M^cAllister
 “ and George Walker, and their associates, called,
 “ *The Georgia Company.*

“ ONE tract to Nicholas Long, Thomas Glascock,
 “ Ambrose Gordon and Thomas Cummings, and their
 “ associates, called, *The Georgia Mississippi Company.*

“ ONE tract to John B. Scott, John C. Nightingale
 “ and Wade Hampton, called, *The Upper Mississippi*
 “ *Company.*

“ ONE tract to Zechariah Coxe, Mathias Maher,
 “ and their associates, called, *The Tennessee Company.*

“ HALF a million of dollars was the purchase mo-
 “ ney :—this, or the greatest part of it, was secured
 “ by mortgages, which have been since cancelled :—
 “ But the state of Georgia now reclaims these tracts
 “ of land, alledging that the act authorizing the sale,
 “ is contrary to the 4th article of the constitution of
 “ the United States ; repugnant to the 16th and 17th
 “ sections of the 1st article of the constitution of Geor-
 “ gia ; and was moreover obtained by means of fraud,
 “ atrocious speculation, corruption and collusion.—
 “ Hence, by an act passed February 13th, 1796, the
 “ aforesaid act of January 7th, 1795, was declared
 “ null and void, and the grants, rights and claims de-
 “ duced from it, annulled and rendered void and of
 “ no effect.”

THUS far my statement is probably correct, being
 mostly taken from Doctor Morfe's American Gazet-
 teer.

BETWEEN the time of passing the granting act in
 January, 1795, and of passing the rescinding act in
 February, 1796, a great portion of these lands were
 alienated by the Companies, and became the property
 of purchasers in the middle and eastern states. These
 sales were effected under the influence of a certain
 pamphlet, entitled, “ *State of facts, shewing the right*
 “ *of certain companies to the lands, lately purchased by*

"them from the state of Georgia," and under the influence of certain other means, which will be noticed in the course of these numbers.

To save the inconvenience of frequent references and quotations in the following pages, it may be well to inform the reader, that relying on the statement of facts, published by the Georgia companies, I verily believed (till after the rescinding act) that the *fee* of the lands sold to the companies and by them to us, had been extinguished by the state of Georgia; but that the Indians had a right of hunting and fishing, which would in time be abdicated or easily purchased; as such a kind of right had formerly existed in this colony, and had been virtually recognized in the several treaties with different tribes. But after the rescinding act, it appeared that the right of the state of Georgia to the *fee*, was just such a right as the state of North Carolina had set up to Indian lands; but which had been negatived unanimously by a committee of Congress, consisting of a member from each of the states. It also appeared that this setting up of a *fee* was pointedly opposed to the uniform policy of the United States, to the uniform declarations of Congress, and to the treaty with the Creek nation, concluded August 7th, 1790.

As the *fee* which was the substance of all these sales had failed entirely and did not exist, and as much money had been paid, and many notes been given, it became important to enquire whether the right of preemption was worth any thing.—On enquiry it appeared that the state of Georgia had a very *questionable right* to purchase lands (of three Indian tribes, who had no disposition to sell them) whenever Congress, (who denied the existence of this right) should grant them liberty to hold a treaty. The Massachusetts and Connecticut rights of preemption were undisputed, and they contemplated lands, which the policy of the U.

United States would justify them in purchasing, and which the right owners were disposed to sell; but the numbers, characters and situation of these three nations, combined with the policy of the United States, presented a very powerful contrast in these Georgia lands. Impressed with these ideas, it occurred to me, that if the Creek nation had sold to Long, Glascock and others, their right of preemption to the state of Georgia, or the state of Connecticut, I should as readily have been an assignee of the claim, as with a knowledge of facts, have been a purchaser under the Georgia companies.

BUT the rescinding act led up some ideas about fraud, atrocious speculation, corruption and collusion, practised on the legislature, which led me to consider whether some such practices had not been adopted at the northward as well as the southward; and on enquiry, it appeared that some of the agents of the Georgia companies had conducted honorably—and have not any intention of profits in this unfortunate and delusive business:—but that others had eminently sustained the characters of fraud and deceit in selling, which they had acquired in purchasing.

FROM these premises it appeared to me that men who take money or notes for that which proves to be nothing, especially under the above circumstances, ought to refund.—And this sentiment, if true, will operate in favor of all, thro' whose hands these lands have passed, back to the members of the first companies; and the rescinding act has recognized this sentiment, by providing that the first companies may receive back the money paid, and no one can oppose the operation of it, but those who are watching to make fortunes out of the nothingness of this Georgia business; and this number I hope (for the honor of humanity) is very small.

REPEATED disclosure of these opinions has led me

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to hear much logic and law-learning upon this Subject—much censure upon the state of Georgia—many remarks upon what the legislature might, could, or ought to have done.—But though my attention has been often suspended by the eloquence of great and learned men, on the subject; yet no one has convinced me that the *right of the state of Georgia to buy land* of the Creeks, Chickasaws and Chactaws was ever worth a farthing.—No one has convinced me that the state ever had such right.—No one has proved that the fee of lands, and a right to buy the fee, are the same thing. Amidst the variety of opinions and the indefinite state of this business, I have ventured to throw out the following discussion, as the result of my own conviction; and have subscribed it for the express purpose of avoiding that confusion, which often results from anonymous publications.

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Georgia Speculation Unveiled.

No. I.

LET the buyer look out, is a maxim supposed applicable to all contracts where land is named ;—but to the northern sales of Georgia land it can have no application ; for these are not sales of *land*, as facts now shew ; and by the sellers were not intended to be sales of *land*, but a mere floating imaginary right to buy land—which partakes no more of reality than a right to buy goods or horses. The right to buy Indian land is at best no more than a chattel, and is a perfect non-descript, unknown to all the writers upon real estate. It originated in avarice and power, and never, *in this instance*, has gained any other existence than on paper.

THE State of Georgia claimed a right in fee to certain lands,—which lands were in fact subject to an absolute fee-simple, in the right owners,—and said state acknowledged this fee, subject to a particular kind of usufruct—which usufruct was the absolute undisputed dominion and possession of these owners, with an ancient, inherent and interminable right of doing with it as they pleased, without any hindrance or molestation from this claimant :—and this fee, dominion and possession of the right owners, guaranteed by the United States, and secured by severe laws from all fraud and force on the part of the preemptors :—and to crown all, this same preemption claimed over the heads of this same state of Georgia by the United States, who have an uncontrollable right to decide by judicial offi-

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cers of their own creation on the right of preemption:—and again, this usurped preemption of the state of Georgia, secured from invasion by their own constitution and positive laws, and guarded against fraud and deceit by all those general maxims which obtain and are recognized in all sovereign states.

THE mind of man can proceed but one step further, and yet retain one idea of lands or claims; and this step is presented in the kind of right, which the Georgia companies claim to these lands. By the force of fraud and corruption (as I shall shew hereafter) they have broken through all the barriers, which so perfectly secured the fee and possession of the right owners—and after obtaining the semblance of a granting act, came forward, and by a printed pamphlet, entitled, "*State of Facts*," &c. declared to all the world, that they were the true and lawful assignees of the fee of those lands, and to all the uses of it, except a particular kind of usufruct, called a right of hunting and fishing of the Indians. Not one of the attributes of their claim was of necessity a matter of record; and the land could not from its situation promise to any purchaser under them an office of record, where he might resort for evidence of title;—therefore every thing inducing a sale must be from the seller, and in all such cases, *let the seller look out, that he deceive not the buyer.* 'Tis a maxim of common sense and reason, that whatever inducements the seller improves to draw money from the buyer he shall make true, or suffer the inconvenience of their proving false; for if he has taken money for his own falsehoods, he ought to refund it, whenever equity and good conscience demand it.—And if this rule is not in the books, it ought to be placed there, by the side of *caveat emptor*. Both parties are to look out; all men are to look out; *but courts are especially to look out, and see that men get no gain by cheating their neighbours;*—and if in every case they

cannot find a precedent for doing right, let them, as Lord Hardwicke did, make a precedent.

THE frauds practised in the negotiation and sales of these Georgia lands, have been as numerous and complicated as the heart of man could conceive; and the property now resting for decision of the courts in consequence of them, is to an immense amount. The rescinding act of the state of Georgia has brought all these matters to a crisis, and one decision of the supreme court of the United States, may probably influence the decisions of lower courts. I shall therefore proceed to discuss,—1st. the validity of this rescinding act—2d. the impossibility of affecting it by any court or power in the United States—and 3d. the consequence upon all the notes depending on the sales under the granting act.

1. THE validity of the rescinding act depends on the power which passed it.—This is the sovereign independent state of Georgia, having a right to make or repeal their own laws at pleasure, and this right wholly uncontrollable. When individuals deal with each other, there are courts to compel compliance with their contracts:—how far the policy of the United States will sustain a citizen in a dispute against a state, for monies due on state notes, or otherwise acknowledged; and whether a marshall may safely commit to prison the governor, treasurer or secretary of the state for a state debt, is beside my present object. This was a grant said to be standing on records, whereof the legislature had the control. These records do not now exist;—they are burnt, and the reasons are assigned on new records for destroying the same. I ask, what remedy have the Georgia companies? They cannot bring a writ of ejectment; for none but the Indians are in possession.—They cannot sue for the lands, but in the state where the lands lie;—and whatever court tries the cause, must try it by the existing laws of the state

of Georgia ; and no law exists in favor of the companies.—Copies of record will not answer : if they would, a secretary might certify what on trial would eject all the people of a state from every foot of their land. The existing laws must be such as are recognized by the people, legally represented ; and the legal representatives must have a right to declare their sense of the laws.

IN various cases a legislature may declare a pretended act void—as whenever 'tis contrary to constitution—as where a less number was present at passing it, than is required to form a house—or where the speaker or president of the council was bribed to declare that a vote, which was not a vote ; or where the voters in favor of an act were interested in the passing of it ; or where it was passed by members not having taken the necessary oaths ; and in all cases, where fraud and deceit are combined between those who compose the legislature, and those who are to be benefited by any particular act. Take this power from a legislature, and where is the sovereignty of the state ?—Such a powerless state would be left open to the ravages of all the unprincipled men in the universe, and their property and rights might be bartered for bribes. All contracts with sovereign states must be made in confidence that power and integrity will be united ; and he who approaches a sovereign people for grants, must do it with clean hands. The maxims of honor and honesty, which form a part of the policy of all enlightened sovereignties, are a sufficient guarantee to those who deal uprightly with governments. Let those who maintain a different doctrine, go prosecute the national assembly of France to make good their assignats, or the United States for their continental bills.—Where is the power to try the cause ?—Or let such point out the power, which can control the state of Georgia in the enactment of their laws, or the management of their

records. Can the congress of the United States do it? Certainly no:—this would destroy the confederation. Can the court of the United States? Clearly they cannot judge what laws ought to exist.

ALL the arguments of the opposers to the rescinding act would be more plausible, if they had in view real estate in fee and possession; and had honestly paid a fair consideration for it.—In such a case the law might stretch its force to obtain them justice; but this being an unsubstantial thing the law cannot reach it, and could not do it, even if the question was between two individuals. As in case A owns a large farm, divided into 16 lots, and has a right to keep it and use it as long as he lives, and then to leave it to his heirs forever, B, C, D, and so on, to the number of 16; knowing that competition of buyers raises the value of farms, and disposed for their own advantage to deprive A of this benefit, agree among them that B shall alone bid on lot No. 1, C on No. 2, so that A may sell to no other.—B sells his right of preemption in lot No. 1 to S for 10 dollars—S sells it to T for 100—T to U for 1000. Now B declares that he was cheated out of it,—that he never delivered the deed, &c. and that he holds himself a bidder for the land as much as ever. A is still in possession, and likely so to continue. Can U sustain an action against B? All men will agree that B has done U no damage, and U has gained nothing by his money; but U has given his notes to T, and they are put in suit.—He petitions for relief, stating that T pretended that he owned the fee, and that it was the most valuable part of the farm; and that this was his inducement to give 1000 dollars; that there were no records to resort to, and that he relied solely on T's word. T owns it all—and that in fact *he did not own the land, but had a right to buy it.* Will a court doubt what equity and good conscience demand in this case?—To apply this, the land in question is merely a

right to buy land, which perhaps may never be for sale; which consideration alone, separate from the doctrine of state sovereignty, is an invincible intrenchment for the state of Georgia, and the northern purchasers.

SOME say they may restore the records. Am I to lie out of my money for an age, waiting to see whether the sovereign state of Georgia will pity me for having been cheated by those who cheated her? But say others, she may grant it to another company, and then we may try the title. Perhaps ages may pass before this sovereign state will grant it again, and then neither of us can try the title to the lands, 'till the Indian title is extinguished.—That can't be done, but by liberty to hold a treaty; and this liberty cannot be granted to those whom the state of Georgia denies as her grantees, without violating her sovereignty; unless by a suit at law the title should be determined;—and this title can never be made a law question, 'till the fee and possession of the right owners is extinguished. Suppose a suit brought for the preemption, what marshall could levy the execution?—on what could he levy it? Whatever might be the judgment, it would be an idle one, founded on nothing, and no one could carry it into effect.

OTHERS say we have fairly bought it, *and will have it*—and under this grant, rescinded and burnt, negotiations are now making on the Mississippi lands. Vain new editions of Mississippi dreams! Such managers might as well have used force without a grant; but when force is used, the reign of law and argument has ceased.

THOSE who have not cheated nor been cheated in this business, feel dispassionate; they utter no depreciations against Jackson and his party, but calmly view the state of Georgia, exercising a sovereign right in a sovereign and righteous manner. A great class of

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people comfort themselves with a hope of trying the question in the federal court, in some one of the northern states, whether the rescinding act is valid. As well might you try it before a justice's court: the judgment of both would be equally powerless. Can you put at issue in a distant state the sovereignty of Georgia? Can you obtain judgment that her legislature has been distracted; and what will you do with your execution? All the propositions which have been made to render the rescinding act of no validity are equally unpromising, as to the present claimants under the granting act.—All common-law principles attempted to be applied to the subject are lost; and the greatest lawyer is as the weakest peasant, when attempting to discuss it. As preemptive claims were never founded on law or right, they are not a subject of law-books; as they are peculiar to this country, they are not understood elsewhere; and as no cases such as that of the rescinding act have ever before occurred, we are not to wonder, that men should be confounded at the operation of it.

BUT take the nature of their claims, as it is explained—the rule of equity, which applies to the transfer of them—the sovereignty of the state—the rescinding of the act—the impracticability of trying the legality or equity of it, and it will fairly appear that *the present purchasers have nothing, and have no prospect of any thing for their money or their notes.*

2d. THESE things being true, what is the consequence upon the notes, depending on the sales under the granting act? My answer is, that they ought not to be paid. What forms the courts may think proper to adopt in rendering them void is not material. If it be once ascertained that they ought to be void, courts will adopt or invent means proper for the end.

I BEGIN then by taking the three following positions—1st. *That where a man has been deceived in a contract, and in consequence has deceived another, he shall*

gain nothing by the transfer : if he escape without loss, it is the most he can desire.—2d. If he knew of the deceit practised on him previous to his selling, and yet made use of the deceit to induce a bargain, the least he can expect is the total loss of the price agreed on.—3d. If he were a partaker in the original deceit, he ought to lose the whole and be severely punished. All the sellers of Georgia land have been within these classes ; for there was deceit at the bottom ;—and the many insidious arts practised by many of the sellers, give good reason to believe that they were the *original* deceivers.

THE whole transaction has all the air and appearance of a deep-laid and thoroughly executed plan of swindling.—The management of it proves that in the plan some southern people were to be gainers, and a great number of the northern people to be losers. I venture to predict, that some southern people will be bankrupts, and that the northern people will, after much vexation and delay, escape from loss. The rescinding act has struck a deadly blow at these first deceivers, and has arrested their career at the very moment when they were about to be loaded with wealth.

IN this precise stage of the business, the granting act being rescinded—the preemption resumed—no fee of lands in existence—the sellers greedy for payment, crowding for it at the bar of our courts—hosts of lawyers in their pay, on great wages—notes all in suit, and petitions for relief pending :—What can our courts do ? I answer, they are courts of law and equity, and are instituted for the purpose of doing right between man and man ; and this they are to do as far as may be, according to the principles and practice of law and equity in the books. I think it has been shewn abundantly, that this case could not have been contemplated in the books ;—it will follow then that this must form the basis of a precedent, and must be determined on its own merits.

THE is—the claims private tion to tiffs in ly answ luded v state of stitution By pro their o to their to main grant— of lies—ported on our our fid opened of men We en ilies fo we we for less seek p rescind after v faries bargain all haz ed Jac Lucife yers to their —We manag

THE first natural enquiry of the courts therefore, is—the character of the parties and their respective claims on the justice or equity of the law.—Not their private character; but that which they wear in relation to this new and unprecedented cause. The plaintiffs in these causes when asked this question may safely answer—“We are of those, who contrived and colluded with several members of the legislature of the state of Georgia, to procure an act, violating their constitution and alienating the property of the people.—By promises of gain, by bribes, we led them to violate their oaths and those principles of honor and fidelity to their constituents, which all laws command them to maintain.—We succeeded in our plan—procured a grant—we published not single pages, but pamphlets of lies—circulated them with our own hands—supported them by our own affirmations—swore to them on our honor.—We thus enlisted men of integrity on our side—caused them to betray their neighbours—opened subscriptions for the land—headed with names of men, whose permission had never been obtained.—We entrapped the unwary—committed heads of families for more than they were worth—pretended that we were selling under the influence of embarrassment, for less than half what we might get, had we time to seek purchasers.—We hastened our bargains, lest the rescinding act should overtake us;—and to crown all, after we knew the act was passed, we employed emissaries from Philadelphia to ride express to complete bargains already projected, and to open contracts at all hazards;—and when all this was known, we cursed Jackson and his party, in the language of fallen Lucifer to Michael.—We then secretly employed lawyers to write treatises against the rescinding act, as their *voluntaries*, upon such an unprincipled measure.—We circulated these to convince the dupes of our management, that Jackson was an enemy to fair deal-

ing, and that the sovereign state of Georgia was a miserable subjected province, whose laws wanted no other confutation than our contempt :—but when conviction begun to operate on the public mind, and even on our own, that this rescinding act was serious and conclusive,—we employed hosts of lawyers, with enormous fees, to abet our cause ;—and by their combined influence, and the aid of law-books, we hope to bear all before us. Tho' we knew that the men whom we had deceived, retained only the miserable shadows of land, which we pretended to sell them, and were willing to give up their deeds, and to suffer loss for their delusion—we haughtily refused ; and to shew our power, loaded them with attachments—put them to all manner of expense, and are determined that wide-spread ruin and desolation shall follow those who have dealt with us,—for which object we approach the altar of justice, and pray the aid of this honorable court to carry our purposes into effect.—And if the court doubt this our character, we refer them to the rescinding act, containing 64 depositions in proof of it—to our pamphlets, and to our uniform conduct.” To which character, well may the court say—Hail Lucifer, son of the morning !

THE other characters are plainly those, who have been the subjects of all this deceit, imposture, falshood and vexation ; and who come before the court to obtain relief against a system of fraud and swindling—perhaps more complicated in its machinery, and varied in its operations, than any which has disgraced the character of man in this or any other age.

I HAVE put language into the mouths of the plaintiffs, which they would not be apt to use—for 'tis the *language of truth*,—not fancied, but thoroughly provable ; and with all the varnishes and apologies, which this age of reason, refinement and revolutions, can put upon their conduct, the result of a fair investigation

will produce just such a conclusion.—To overdraw the character, or distort the cause in this stage of it, would be a prejudice to the end which is aimed at. I have therefore presented them as they must appear, when record, evidence and substantial testimony shall be combined in the proof;—which will infallibly take place before the conclusion of this business. Let not those judge chimerical, this mode of introducing characters, who have observed in courts of chancery every thing brought forward, which forms the characters of the parties, in direct relation to the cause in question.—This is always admitted, and no more is contended.

THE second question to the plaintiffs, is—“What claim have you upon the justice or equity of this court?”—The answer must be—“We have notes for our Georgia deeds, and we pray the power of the court to enforce the collection of them.” The question to the defendants, is—“Did you sign and deliver those notes?—are they your act and deed?”—The answer is—“We did sign and deliver the notes; but they are not our act and deed?” At this instant books, authorities, precedents all croud in favor of the plaintiffs: and a court possessed of full power to make a precedent of right, is to be stormed out of all deliberation. But is every note, signed and delivered unconditionally, the act and deed of the signer?—suppose he is unable to read, and the note is read to him as for £.100, and it really is for £.1000, and can be so proved, and that the obligee read it to him wrong,—is that his act and deed?—Again, suppose that he reads a note himself, and by shuffling of the obligee, another is placed for him to sign, and he deliver the last,—is that his act and deed?—Or if he signed and delivered it with a pistol at his breast:—Are such notes the act and deed of those who deliver them?—Every one will agree no. Then there are cases where a note may be

signed and delivered unconditionally, and yet not be the act and deed of the signers.—Pray is there any difference between flight of hand and flight of head? Or shall he who reads a note wrong, and he who tells 100 lies to obtain it, stand on a different footing?—Reason and common sense say no. The books may be very nice about the mode in which the injured signer shall get rid of the payment; but they will never support a malefactor in recovering notes under these circumstances.

COURTS will not decide against notes upon mere suggestion of fraud: It must be made evident. In these cases, various are the kinds and degrees of evidence; but when once it can be shewn, that the plaintiff is one of the horde, or allied to those men who overrun these northern states with their Georgia scrip or deeds, and that the consideration of the notes has wholly failed—the presumption becomes violent, that these frauds have attended the sales; and that small portion of light and evidence, which almost every individual purchaser can produce, will be sufficient to bring every case within the general principles and decisions, which must obtain in all the Georgia causes.

OUR courts and juries, if driven to peremptory law decisions, will decide that these notes are not the act and deed of the makers and deliverers of them. Sanguine Georgia speculators, who feel not the indignation and contempt which follows their enveloped frauds, may, under the pupilage of their lawyers, be taught to hope better things:—But let them remember, that great causes draw forth the energy of man; and that on causes of such magnitude, courts will do right. Haste, negligence, confinement to nice constructions, sometimes thwart the course of justice, in small disputes; *but here no recovery can eventually be had, unless it shall appear eventually right, that men shall gain wealth by their own wrong.* I have here taken the

worst issue which the causes can possibly be brought to ; and if courts and juries will not, under the old establishment, determine against the notes, yet when the sellers knew they had no right in fee, and when it appears by the event, that by reason of their own fraud they had no right at all,—courts and juries will determine against the notes, whatever innovation it may produce. Probably a decision that these notes are not the act and deed of the makers of them, upon the ground that they were obtained by the grossest deceit of the obligee, would form a new precedent : but being based on right, it could never prejudice right in any future decisions. The danger of new precedents is, that the perverseness or ignorance of man may apply them where they ought not to be applied ; but this danger, however great and often inculcated, has never intimidated the independent judges in Westminster-Hall from doing right, and making precedents where justice required them.

THESE remarks may apply to negotiable notes—to Mississippi script—to quit-claim deeds—and to all the variety of cases under these Georgia contracts.—For if my premises are right respecting the original fraud, and the total loss of the lands, or the preemptive right in the purchasers,—the conclusion will extend to every note and contract, issuing from such a corrupt original.

THE case in respect to the northern purchasers, is precisely as if the first grantees had forged the grant : For, a grant voidable because of fraud and corruption, is no better nor worse, than a forged one ;—and the original actors in this fraud, and all their abettors, confederates and accessories, are every way as *basely guilty* as if they had forged the act.—The guilt as respects the state of Georgia is the same ; and the imposition on the purchasers is certainly as great and pernicious. I call most of those their confederates who

came from the midst of them, with their pamphlets and misrepresentations:—and even they, who were themselves deceived, and who deceived their neighbours, and are now pressing for great profits to themselves, deserve an high rank in this brigade of impostors. I should not assert thus positively on this subject, were I unable to bottom myself on the most substantial proofs;—and no individuals can be wounded by such obloquies, but those whose known conduct has fully justified them.

THESE remarks were not designed to *add* any odium to the fraudulent sellers of Georgia land; but to lead the minds of the purchasers, who have given their notes, to reflect *on the whole Georgia business as a system of imposture and swindling—on the rescinding act as valid and conclusive—and on the power and disposition of our courts to do ample justice on the subject.* If the hints suggested will lead to a new train of investigation, they will answer the purpose for which they were written.

NOTE.—The compass which I have taken would not admit references to documents; and the present stage of the business rendered it improper to discuss very minutely how the notes may be avoided:—But those who hold deeds of Georgia land ought to be thoroughly convinced, that all the lands now claimed under the usurped act, are not worth one cent;—and a pretence that the rescinding act is void, is a miserable delusion.

Georgia Speculation Unveiled.

No. II.

FROM the premises in my first number, I open this with the following questions, and answers:—

1. DID the state of Georgia ever own the right in fee to the lands described in the granting act?—Answer—No.

2. DID not the pretended claimants under the granting act publish and circulate a pamphlet, entitled,—“STATE OF FACTS,”—declaring the right of the state to have been a right in fee, and the sale of the state to have been fair and constitutional?—Answer—They did.

3. WAS there any truth in these declarations?—Answer—No.

4. WAS it not generally represented to the purchasers in these northern states, verbally as well as by said pamphlets, that the state of Georgia would not, and could not, rescind said grant?—Answer—It was.

5. WAS there any truth in this representation?—Answer—No.

6. Is not the grant rescinded in such manner, that the purchasers are wholly foreclosed of all possible benefit from their purchases, 'till the same sovereign will and power which rescinded the act, shall be united to restore it?—Answer—Yes.

7. Is there any probability that they will ever voluntarily do this?—Answer—Not the least.

8. CAN they be compelled to do it by any court or power in the United States?—Answer—No.

9. HAS not the state of Georgia by their rescinding act, put at great hazard the property, limbs and life of any man or body of men, who within the limits of said state shall in any way attempt to contravene said act, or any clause of it?—Answer—Yes.

10. HAVE they not a sovereign right to make such laws as they judge proper for the well ordering of the state?—Answer—They have.

11. IF the declarations of the sellers and of their pamphlets had been true, would not the purchases have been profitable to the purchasers?—Answer—They probably would.

12. FALSHOOD having been substituted in the place of truth, and the purchasers having relied on the declarations of the sellers, and those declarations having proved uniformly deceitful—shall it be in the mouth of the sellers to say to the purchasers—“You ought to have looked out that we did not cheat you?”—Answer—No.

If any person is disposed to give a different answer to any of these questions, the question and answer shall be made the subject of a separate discussion.

SEVERAL powerful delusions have been improved to crown the first delusion.

1st. THAT a grant is in its nature irreversibile.

2d. THAT provided the purchasers will ever have any claim on the sellers, they must first try the title which they have acquired; and if that fails, then they may come upon the sellers.

3d. THAT these lands were purchased as lottery tickets are, and if they had turned out fortunately, it would have been well with the purchasers: otherwise they must bear the loss.

4th. THAT all the book-principles relating to real estate and to notes are in favor of the sellers, and that contesting the payment will be vain.

5th. THAT our courts will decide against the ref-

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rescinding act, and then the lands may be sold in Europe, for a dollar per acre.

6th. THAT the rescinding act was made in the tumult of the people, and that there is good chance of its being repealed, and the grant restored.

7th. THAT if this rescinding act is good, the state of Connecticut may rescind the act granting the reserve, and Massachusetts their act granting the Chenessee country.

By such chimeras, the advocates of the sales are addressing themselves to the hopes and fears, to the reason and to the weakness of the purchasers; and are thus endeavoring to wheedle them out of further payments. But be not deceived;—for this irreversible grant is actually reversed, beyond the power of man; and all the comparisons between the sovereign state of Georgia, granting their lands, and the province of New-Hampshire, then subject to Great-Britain, granting their lands, will be found vain. The distinction must be sustained, that a dependant power has a power above them, to compel them to make good their grants and contracts; and that *an independent power can make, or unmake grants at will; because no power can decide on the morality, equity, or policy of their measures.* If the granting act had been constitutional, fair and honorable, and the rescinding act ever so unfair and immoral,—yet the consequence to the purchasers would be equally fatal. The power which has deprived them of the lands, is beyond their control; and all the advocates in favour of the sellers, never have and never can suggest one practicable mode of even beginning to attack the validity of the rescinding act.—That of deciding against it in these northern states, has been already shewn to be futile. Some have been disposed to maintain, that if the first act could be void at all, it must have been so in its own nature; and therefore the rescinding act, notwithstanding the first,

stands to be discussed on its own merits :—But this is only a re-production of the first delusion ;—for the granting act does not stand at all : it is burnt, and that power alone, which could declare definitively on the validity of it, has put it beyond the reach of discussion. The power itself is first to be discussed, and if you can once discuss that out of existence, you will know that the granting act will be good enough.—You have the parchments, 'tis true, large as dining-tables, certified by the secretary.—Vain shadows of a grant !—Dare you produce them in the state of Georgia, to support the title which you pretended to sell us ? Of little worth are they, if they cannot be produced on a trial, where if we obtain judgment, the execution will invest us with the title which you sold us. A condition of wrong without redress, or of right without power, is very undesirable to a landholder. Your own wrongs, your own frauds and violations of morality, have led up this act, against which you so vehemently cry—shame, wickedness, immorality !—Go cry them in the streets of Georgia, plead them in their courts, ring them in the ears of their legislators,—there alone will they answer our purpose. If this is all a fair transaction, as you declared to us by words and pamphlets, make it appear so to the world, and let us have the benefit of your exertions.—While it appears unfair and wicked, we shall withhold from you payment—courts will sustain us in withholding it :—and the certain event of the breaking of the bubble, will be your own bankruptcy, which is even now at the doors. I have not rested entirely on the ground of power, thro' any idea that the granting act would be valid on its own merits. If any man judges that it was valid, and that the sellers have conducted with a due portion of integrity, let him assert it ; and I am willing to take the burden of proving the act bad, and unfairly obtained,—and the conduct of a number of the sellers

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to have been thoroughly abandoned.—In this number I include all those who were themselves deceived, and who in consequence deceived their neighbours, and who are demanding any profits in the trade. This fact of demanding *profits* in such a business, accompanied by a few acknowledged principles and deductions, will fix the character of such beyond a vindication.

I HAVE thus answered the two first delusions, and pray you to reflect, that the grant is really reversed and revoked, and that you can never try your title to any purpose—that you have lost all shadows of the land—and that if you have any defence to make, any money to save, any notes to avoid, or any redress to obtain,—now is your time; and the time to avail yourselves will be short.

NEXT, as to the similitude between these sales, and those of lottery tickets, so often introduced, it may be just as respects a number of the Georgia bargains, so far as it can apply; but if a man proposes to me to purchase of him a 100 tickets in the Savannah fire lottery, and shews me a scheme of the lottery, and assures me that it will be drawn in 60 days, and I buy them, and give him my note for the payment—and it afterwards appears that there was neither lottery, managers, nor any scheme published, or that there was a lottery without a prize, or one which could never be drawn,—am I to pay my note?—Certainly not—especially not, if I can prove that this same man contrived with several others, to make out a scheme of a lottery, which could not in its nature answer any other purposes than those of imposture. But this comparison with lottery tickets is not just: for in lottery tickets, every man buys with known hazard of loss or gain. In these bargains every man bought with the greatest certainty of gain, provided the pamphlets and declarations which he bought with his deeds, proved true.—He could not

stands to be discussed on its own merits :—But this is only a re-production of the first delusion ;—for the granting act does not stand at all : it is burnt, and that power alone, which could declare definitively on the validity of it, has put it beyond the reach of discussion. The power itself is first to be discussed, and if you can once discuss that out of existence, you well know that the granting act will be good enough.—You have the parchments, 'tis true, large as dining-tables, certified by the secretary.—Vain shadows of a grant !—Dare you produce them in the state of Georgia, to support the title which you pretended to sell us ? Of little worth are they, if they cannot be produced on a trial, where if we obtain judgment, the execution will invest us with the title which you sold us. A condition of wrong without redress, or of right without power, is very undesirable to a landholder. Your own wrongs, your own frauds and violations of morality, have led up this act, against which you so vehemently cry—shame, wickedness, immorality !—Go cry them in the streets of Georgia, plead them in their courts, ring them in the ears of their legislators,—there alone will they answer our purpose. If this is all a fair transaction, as you declared to us by words and pamphlets, make it appear so to the world, and let us have the benefit of your exertions.—While it appears unfair and wicked, we shall withhold from you payment—courts will sustain us in withholding it :—and the certain event of the breaking of the bubble, will be your own bankruptcy, which is even now at the doors. I have not rested entirely on the ground of power, thro' any idea that the granting act would be valid on its own merits. If any man judges that it was valid, and that the sellers have conducted with a due portion of integrity, let him assert it ; and I am willing to take the burden of proving the act bad, and unfairly obtained,—and the conduct of a number of the sellers

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calculate upon loss, except from those circumstances of treachery and fraud on the part of the sellers, which would wholly vacate the contract.

BUT 4th. Those who have given notes, are to be frightened by the books!!—Unfortunately for the sellers, the books give no comfort, no support. Courts have been trammelled by books at the opening of this business.—Judge Chase was trammelled with books in the opening of the famous Connecticut state cause; but after four days digestion, his mind was relieved, and he declared that the books did not apply, and that *there was no such thing as sustaining an analogy between protections granted by a sovereign independent state, and those granted by the dependant courts of Westminster-Hall.* By citing books and authorities, and covering the green cloth with folios, the advocates may persuade their Georgia clients, that much good may come out of evil; but on thorough canvassing, it will be found, that (strange to tell) the books can afford no light on a subject of which the compilers had no conception.

5th. LET purchasers be guarded against being amused by the prospect of *our* courts deciding against the rescinding act.—If all the courts in the United States should decide against it, and all the marshalls and deputy-marshalls, sheriffs and deputy-sheriffs, should be employed to carry their judgments into effect,—the whole would still be a miserable farce and delusion;—for they would not in the least prejudice the rescinding act, nor benefit our title, and the state of Georgia would care nothing about them.

6th. As to the rescinding act being made in the tumult of the people, and that there is good chance of its being repealed—there is not one word of truth, nor symptom of probability about it:—and this pretence is a mere continuation of the false and swindling measures, which have been practised on you.

AND 7th. As to the hypothetical reasoning, that if

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Georgia could rescind this act, then Connecticut and Massachusetts can rescind theirs—it ought to be otherwise stated, viz.—That Georgia has rescinded her granting act, and if Connecticut and Massachusetts should rescind theirs, they would do as Georgia has done;—and what would the claimants do in any such case, where the Indian title is not extinguished? In a situation wholly remediless, as to title or preemption, are you who have thought yourselves purchasers of Georgia lands; and your situation is brought on you by your confidence in those, who sold to you;—and this situation is aggravated by the persecutions and law perplexities, with which these deceivers are hunting you. Your time is devoted, and your property subjected to the apparent rapacity of the Georgia sellers; but they in reality, are now only the puppets of the farce—there is not one chance in a thousand of their eventually gaining any thing; but still the farce must be carried on, for the emolument of the craftsmen. Of great importance is it in this situation, that you possess yourselves of facts—that you give way to no delusions—and that you compose yourselves under these complicated abuses. If you get rid of your notes, yet the land deeded to you is not worth a thousandth part of what you have paid—be that sum ever so small.

As many of the ideas, which have been introduced on this subject, tending to shew that the common law principles and practice cannot be applied to these cases, may appear inadmissible,—I beg leave to enforce them by reference to the reasonings and practice adopted in the South sea scheme, in the year 1721.*

“WHEN the bubble burst, and the stock the subscribers had purchased at 1000 per cent. fell to 150, and of course the loss of every such subscriber was £.850 out of every £.1000 subscribed—I say, when

* See Tindal's continuation of Rapin, under the words, South Sea Trade and Company.

“ this happened, legal suits (of which very many were
 “ commenced) for these debts, due to the company,
 “ would have reduced most of the monied men in the
 “ kingdom, to a state of remediless bankruptcy, and
 “ the company must have lost most of their money
 “ in the bargain. The public creditors had lost most
 “ of their public securities, which they had subscribed
 “ into that fund,—and infinite other mischiefs of a like
 “ nature must have accrued of a kind most ruinous
 “ and wrong, and of an amount so great as to affect
 “ national interest, honor and credit, and of such an
 “ extreme and extraordinary nature, that no ordinary
 “ rules of law could be applied in any such manner as
 “ to afford the least remedy; but would rather in-
 “ crease the evil, and give the wrong a kind of sanc-
 “ tion of the law.

“ In this extreme case, the parliament found them-
 “ selves under an absolute necessity of assuming the
 “ power of sovereign equity, and as supreme chancel-
 “ lers of the kingdom to supersede the ordinary rules
 “ of the law, control its force, soften its rigor, and a-
 “ dopt such equitable principles as would afford some
 “ remedy of an evil, an injury, a wrong of such mag-
 “ nitude as brought the justice, credit and safety of
 “ the nation into danger. On this principle, they sus-
 “ pended law-suits, annulled special bails, discharged
 “ numberless debtors who owed for stock, on paying
 “ 10 per cent. of their debts, compelled compensa-
 “ tions in favor of the sufferers, forced dividends and
 “ appropriations of the stock of the company, and e-
 “ ven punished many for mismanagement, who seem-
 “ ed to have conformed themselves to the letter of the
 “ law,” &c. &c. &c.

VERY strong remonstrances were made against the
 interference of the legislature, and that the matter
 should be left to the course of law, i. e. to be decided
 according to the common rule of assignments of all

negotiable notes, bonds, &c.—but on a close inspection of the matter, it was soon clearly seen, that the variation of the exchange of these stocks (or their depreciation, as we call it) was so enormous and extreme, that any application of the ordinary rules of law and practice, to them, would produce the most ruinous injustice and wrongs,—and of course, every idea of that mode of settlement and adjustment was instantly given up. Their great principle was, that justice and right was the grand end of law, and paramount to any particular rules, or established practice,—and of course, ought to control them in all cases of so extreme and extraordinary a kind, as could not fall within the reason on which these rules were founded; but so circumstanced as that an application of these common rules, would unavoidably produce such injury and wrong, as was totally destructive of all that right, which was the essential principle and end of all laws.

As a further explanation of the interference of parliament, it was said that collections according to the common rule of assignments, “would bring remediless ruin on thousands of individuals, and at the same time heap immense fortunes on others, who had never deserved them.”

VERY similar to this, in operation and management, was the Mississippi bubble, in France, two years before. In both these important and memorable precedents, of two of the most enlightened nations in the world, were recognized specifically the following principles—“That the ordinary rules of law would do infinite mischief and injustice, were not the rigor of them to be softened and corrected by chancery—that the powers of chancery ought always to control the common law, whenever in any case the application of the ordinary rules of law, will manifestly destroy right and justice, or work a wrong—that law is certainly perverted, and needs correction, whenever it destroys right or does

wrong." That the supreme power of every state, is the supreme chancery of it, and must have sovereign authority to repeal, to limit or control every rule of law, and may and ought to do it, whenever that rule operates by way of destruction or defalcation of right, or producing of wrong,—and that justice and security of right can never be perfect or even tolerable in any state, without the existence of this power and the prudent exercise of it.*

THESE are vital issues from the source of law, calculated to do good, wherever they flow:—these are principles, which put to flight all technical distinctions, and furnish us with a truth highly important in these causes, viz.—that there are extraordinary cases, where common law principles cannot and ought not to be applied, by reason of the manifest injustice, which would result from an application of them.

THESE Georgia causes furnish the strongest instance since 1721, for the application of these principles.—They do not precisely resemble either of the other bubbles: for in the South sea scheme, the amazing rise of the stock, originated in their contract with parliament, for taking in the national debt. Their state of prosperity was overrated, and the funds rose by mere enthusiasm, from 130 to 330 per cent.—and from the month of April to August, they rose from the last sum to 1000 per cent; but it was a reality they were dealing in:—and even after the bubble broke and parliament interfered, the stock was really worth 150 per cent. It will be well seen, that the Georgia bubble does not precisely resemble that of the South sea:—for here was no reality at bottom, and here was great fraud in the means, as I constantly hold myself responsible to shew, whenever it shall be doubted.—But in one very important respect, there is a resemblance.

* For these remarks on the South Sea bubble, see Peletiah Webster's Political Essays, page 334.

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The legislature of the state of Georgia, like the sovereign legislatures of England and France, seeing the wrong and oppression, which would be caused by the collection of the notes, and combining this with the other inducements before stated—have, as they had a sovereign right to do, destroyed the whole consideration of the notes, and have thus let them and the holders of them to the ground. The sovereign legislature of the union, might have suspended the power of their own courts, from any cognizance of the causes: so the legislatures of the several states might have suspended the power of their courts; but this would have been only a partial remedy of the evil. The state of Georgia, whose acts and laws are to be respected throughout the union, has in a most pointed and peremptory manner declared, that there is no consideration for these notes,—and has shewn the necessity and propriety of this declaration more conclusively, than they were shewn by either of those parliaments. Their exercise of sovereignty is not novel, and the reasons on which it is founded are as old as the world.—*This public act of the state of Georgia, is the best and most conclusive testimony of a want of consideration, which can be improved in a court of chancery: and those courts could never have granted relief against notes for want of consideration, on more ample grounds.*

IN a very important respect also, the Georgia plaintiffs stand in the same rank with those, who in the South sea business were prosecuting for $\frac{850}{1000}$ of what cost them nothing, and was good for nothing:—the remaining $\frac{150}{1000}$ and the price actually paid for the lands by the Georgia companies, placing them both on an equal footing,—both having a law of a sovereign state, barring them from an oppressive recovery—and both equally deserving to feel the inconvenience resulting to oppressors from the operation of principles of equity.—Neither can be in the rank of those, who

hold notes for money lent, or labour done; but both are in the rank of those, who are hunting for money, on principles destructive to the design of courts, and the existence of society. It is fortunate for the public, that there should be such a concurrence of public acts of sovereign legislatures, on subjects so similar—and that the parties pressing for payment at the bar of our courts, should meet an obstacle so equally and justly fatal to their unfounded claims: for the decisions in these cases against the notes, will give to our courts occasion to assert principles destructive to the fraudulent arts, which have exposed many of our citizens to severe loss of property.

HAPPILY our courts are not destitute of chancery powers, sufficient to carry the equitable objects of the rescinding act into full effect: and when the doctrines of chancery are introduced—when the original principles of right are contemplated—when this bubble is compared with other bubbles—when the parties and the causes are known, and the rescinding act is duly plead,—if courts can hesitate about pronouncing against the notes, it will be only that one fiat of the national legislature, may put a perpetual end to the convulsions and distress caused by the Georgia, Virginia, Susquehannah, Canada, and all other baseless speculations.

It will be well seen, that I have not left these notes to depend on the contingency of such a national measure. The defence of those, who are sued on their notes, stands most substantially on the chancery powers vested in our courts:—and the means of calling those powers into effectual exercise, have been just shewn to be abundant.

BUT merely to get rid of the payment of the notes is not the sole object.—Large sums of money have been paid, which in equity and good conscience ought to be refunded.—In addition to these, great damages

have been sustained, by reason of the falshood and swindling practised in these sales. The lands or deeds in the hands of the purchasers, are not worth a farthing,—and would be worth the meereſt trifle, if the reſcinding act ſhould now be burnt, and the granting act reſtored:—for the granting act reſtored would not inveſt you with the fee of the lands, ſubject to the right of hunting and fiſhing, &c.—which fee you thought yourſelves to have bought: and the violent parties, which have been created in the confuſion of this buſineſs, would probably prevent your ever obtaining a right to extinguiſh the Indian title.—Indeed the commotions about the Georgia lands, have led up a ſerious claim of congreſs,—which otherwiſe would have been as dormant as their claim to the Chenefſee country.—This claim, however originated, will not be eaſily relinquished.

BUT if all obſtacles were removed, your right to hold a treaty, is merely a right to buy the land at the full value of it,—and this you are to do under the eye of ſworn commiſſioners and interpreters. This treaty is to be opened with great expenſe: and your agents are to meet not a few ignorant ſtraggling Indians, but the powerful, opulent and enlightened nations of the Creeks, Chaſtaws and Chickaſaws—headed by chiefs of great fame, information and influence.—The object of this treaty is, to buy from them the place of their birth, their conqueſts and their reſidence:—and you come to them under the faſcinating character of men, repreſenting a horde of impoſtors, who cheated the repreſentatives of the ſtate of Georgia, out of their uſurped and impoſing right of alone bidding on theſe lands: and you apply to them, after blood has been repeatedly and unſucceſsfully ſhed, to force them to retreat.—You apply to them for their lands—not as a place of refuge from perſecution—not as a ſoil, where you wiſh to labour, and to introduce agriculture, and

the arts of civilized life—not as a place, where you wish to embrace and treat them as a band of brothers ;—but as a frontier, where you may erect forts, establish garrisons, stretch the strong arm of the union, and fill, with their ancient and implacable oppressors and enemies.—With a council such as these nations will present to you,—rum, whisky and rusty nails, will not be considered as conclusive arguments :—truth, sincerity and a sufficiency of property to enable them to remove where they may do better, will alone go down. Will you tell them, that you have already paid large sums of money, to prevent others from bidding on their lands—and that therefore you cannot give the full value of them ?—Will you desire the commissioners to inform them, that you expect to make immense fortunes out of their lands, and that there is no way of your doing it, but by purchasing them for far less than they are worth ?—Shall your interpreters expound to them the whole history of this business ?—Or will you smoke with them the calumet of peace, exchange your baubles for theirs, and call them friends and brothers ? Will you tell them, that you came from a land flowing with milk and honey, abounding in corn and green pastures, and overflowing in all the conveniences and luxuries of life—from a land, where every industrious man may gain wealth—and that for their sakes you are come up thither ? They know better than all this,—they have lately told us, at lake Erie, that they know the arts of the white men :—and the Georgia commissioners, but last year, with as much parade as could attend a treaty, and as plausible talks as you can hold with them, got for answer, that they would not sell.—And suppose you get the same answer, after all your expenses, what is your preemption worth ?—Or suppose they should offer the lands to you, at such price as you have repeatedly declared them worth, if free from incumbrance, what would your preemption be

worth? As respects the Indians, the lands are theirs in fee, with all the uses belonging to them;—and they care not for preemptive rights—they can disencumber them at pleasure—and they feel and know themselves entitled to as much in value, as the lands are worth to any purchaser,—and there is no propriety in their giving you 9-10ths of the whole land for selling the remainder:—and yet a less commission for doing this business, is hardly contemplated. Perhaps fraud or force may deprive these nations of their lands, within a few years; but I have no idea, that within a century they will voluntarily sell them:—for they are not a miserable handful, as the Georgia sellers represented, constantly decreasing in numbers, and rather inclining to retreat than to maintain their ground; but just the contrary.

SHALL it be said, that the purchasers knew or ought to have known all these things?—The best answer will be, that they did not know them, and had not the means of knowing them, and the whole representation was as I have before stated—that there was only an usufruct between the purchasers and a complete possession of the lands,—which usufruct might be easily extinguished, as there were immense tracts farther to the westward and northward, where the Indians would find better hunting and fishing than on these lands.—The commotions respecting the sales have been such, that a restoration of the granting act, if such an event could be conceived, would be very far from restoring to the present claimants, what they supposed they had purchased:—so far from it, that the incumbrances then existing upon the claim, would in all probability be insurmountable. I have not even taken into my calculation, the influence which the state of Georgia, or any party among them, might use against you in case of a treaty,—nor the probable existence of a great interference of titles, by fraudulent and multiplied deeds,

resting merely on detached paper or parchment, without any record to support them or discover their fallacy;—but we have a fair right to believe, that men who will take unprincipled means to get rich, will not be less abandoned in the means of extrication, when the gulph of bankruptcy is before them.

IN VIEW of the premises, I fully believe, that a restoration of the granting act, would not only wrong the people of Georgia,—but would prove a serious evil to the present claimants, and a dreadful misfortune to all who might be after purchasers.—It would open a new scene of delusive hopes to the world, and furnish new daggers to aim at the vitals of morality, fair dealing and confidence between man and man. Long enough have friends stabbed friends, neighbours betrayed neighbours—and the wealth of centuries been wasted by the delusions of a moment.—Truth, honesty and commercial credit have suffered wounds deep enough: and all the friends of society feel grateful to the legislature, which arrested in its progress the destructive pestilence. Formerly the enemies of man frequented the public roads—put pistols to the breasts of unsuspecting travellers, and robbed them of the valuables they had about them; but the sufferers could return to their houses and lands, and by industry repair the loss.—We live to see robbery in a more refined stile. Men who never added an iota to the wealth or morals of the world, and whose single moment was never devoted to making one being wiser or happier throughout the universe—riding in their chariots—plotting the ruin of born and unborn millions—aiming with feathers to cut throats, and on parchments to seal destruction,—these are the robbers of modern days.—They bring desolation among our farmers—they spread distress in towns—they scorn the paltry plunder of pocket-books, and watches—they aim at houses and lands—strike at the foundation of many

generations,—and would destroy families, root and branch. Long enough have fraud, falsehood and swindling stalked our streets :—often enough have our farmers left their fields and wrecked the industry of painful and honest years upon the mountains of Virginia :—often enough have our jails and dockets witnessed the ruined hopes of the dupes of Newtown and Stockbridge speculations.—These last are not imputable to the Georgia sellers,—unless by their superior address, and the wider ruin they have caused, they may claim the honor of ingurgitating these lesser robberies.

I AM not distorting this subject ; but am drawing likenesses of which the originals exist. The indignation of an incensed public, is fast gathering over you who have sat for this picture.—The advocates of your impostures, begin to discover, that they have been led to abet measures which they abhor. The means of paying fees are nearly exhausted—the funds to which you look for help, will prove as deceitful as the eyes of those, whom you have injured, will be dreadful to you, after your ruin shall be complete. Your characters, your hopes of wealth, your all, are tumbling into the pit, which you have digged for others :—and if the day of your total poverty, contempt and despair, can be hastened by what is here written, I shall have paid to you, who deserve this character, the only debt, which in equity and good conscience I owe you.

New-Haven, Oct. 14, 1797.

A. B.

[*The documents and authorities on which these pages are founded, will in due time be presented to the public.*]

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